



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/083,040

02/26/2002

Mark Russell DeFord

T151

3125

23623

7590

02/22/2006

AMIN & TUROCY, LLP

1900 EAST 9TH STREET, NATIONAL CITY CENTER

24TH FLOOR,

CLEVELAND, OH 44114

EXAMINER

TRAN, PHUC H

ART UNIT

PAPER NUMBER

2668

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/083,040	Applicant(s) DEFORD, MARK RUSSELL	
	Examiner PHUC H. TRAN	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 18-20, 23-27, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) 15-17, 21, 22, 28, 29, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/31/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12, 14, and 23-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "the next location" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Regarding to claims 12 and 23, the term "PCMCIA" need to define.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-14, 18-20, 23-27, and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton (U.S. Patent No. 6496499 B1).

- With respect to claims 1, 11-13, 18, 23, 27, & 31, Hamilton teaches a radio system in a cellular communication system, comprising:

a radio device adapted to transmit data packets over an radio frequency link (mobile device in Fig. 5);

a processor coupled to the radio device (506 in Fig. 5);

a memory coupled to the processor, the memory including a data packet transmission queue (508 in Fig. 5); and

a transmission ordering component wherein the processor transmits a data packet in the data packet transmission queue having a first destination address over the radio device and the transmission ordering component searches through the queue for a data packet having a second destination address upon an occurrence of an error in the transmitting of a data packet of the first destination address and the processor then transmits the data packet of the second destination address over the radio device (col. 18, lines 20-40).

- With respect to claim 2, Hamilton also teaches wherein the transmission ordering component advances a packet transmitting pointer to the next data packet in the queue having a different destination address upon an error of the transmission of a data packet that the packet

transmitting pointer is currently pointing to in the queue, until the packet pointer reaches the end of the queue (Fig. 6 shows the list of addresses).

- With respect to claim 3, Hamilton discloses wherein the transmission ordering component reorders the queue upon reaching the end of the queue, such that data packets with destination address in which a transmission error has occurred are move to the beginning of the queue (e.g. in Fig. 6 shows the repeat of steps second and third sequential).

- With respect to claim 4, Hamilton teaches wherein packet transmission pointer returns to pointing to the beginning of the queue after the queue is reordered (col. 17, lines 58-62).

- With respect to claims 5, & 30, Hamilton discloses wherein the radio system is an access point system (302 in Fig. 3).

- With respect to claim 6, Hamilton also discloses wherein the radio system is a mobile communication unit (MD in Fig. 3).

- With respect to claims 7, & 19-20, Hamilton teaches wherein the radio system is a host computer (Fig. 1).

- With respect to claims 8, & 24, Hamilton also teaches wherein the transmission ordering component resides in a firmware component of the radio device (e.g. Fig. 7).

- With respect to claims 9, & 25, Hamilton discloses wherein the transmission ordering component resides in a driver of the radio device (e.g. the memory in the mobile).

- With respect to claims 10, & 26, Hamilton inherently teaches wherein the transmission ordering component resides in an application program communicatively coupled to the radio device (Fig. 6).

- With respect to claim 14, Hamilton further comprises advancing to the next location in the queue and transmitting a second data packet for the first destination address upon detection of no error in the transmission of the first data packet with the first destination address (e.g. the second list sequential is the same as first list).

Allowable Subject Matter

5. Claims 15-17, 21-22, 28-29, & 32-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

- Kobayashi et al. (U.S. Patent No. 5724346) discloses means for maintaining connectable access points owing to movement of a mobile station between cells in a wireless LAN system.
- Aoki (U.S. Patent No. 5983090) discloses mobile communication system with access function to computer network.

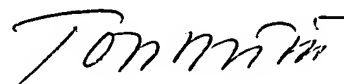
Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO S. SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
2/20/06



DANG TON
PRIMARY EXAMINER